

UNITED STATES DISTRICT COURT

for the
Eastern District of California

FILED

Oct 26, 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEALED

United States of America
v.
DAKOTA JEREMIAH PEVINO,
Aka Dakota Jeremiah Viggiano,

Case No.

2:23-mj-0141 DB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 4, 2022 in the county of Sacramento in the
Eastern District of California, the defendant(s) violated:

Code Section	Offense Description
18 U.S.C. 2251(a) and (e)	Sexual Exploitation of Children

This criminal complaint is based on these facts:

(see attachment)

☒ Continued on the attached sheet.

/s/ Christopher Gecewicz

Complainant's signature

Christopher Gecewicz, FBI Special Agent

Printed name and title

Sworn to me and signed via telephone.

Date: 10/26/2023

City and state: Sacramento, CA



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAKOTA JEREMIAH PEVINO,

Defendant.

CASE NO.

AFFIDAVIT

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

INTRODUCTION

I, Christopher E.C. Gecewicz, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since January of 2021. I was trained as an FBI Special Agent at the FBI Academy in Quantico, Virginia. During my time training in Quantico, I received specialized training in the methodology of general law enforcement. I am currently assigned to a Violent Crimes Squad of the Sacramento Division of the FBI, responsible for investigating and identifying child pornography and child exploitation crimes. I have participated in federal investigations involving high technology or cybercrime, violent domestic crimes involving illegal gun and drug trafficking, and threatening interstate communications. I have performed law enforcement related tasks such as executing state and federal search and arrest warrants, utilizing confidential sources, coordinating undercover operations, and surveillance of subjects. In the course of my employment, I have participated in many search warrants

1 in connection with child exploitation matters and other violations involving both physical locations like
2 businesses and residences and online accounts. Moreover, I am a federal law enforcement officer who is
3 engaged in investigating and enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252, 2252A,
4 2422(b), and 2423 (a), (b), and (c) and I am authorized by the Attorney General to request an arrest
5 warrant.

6 2. Based upon the information set forth below, there is probable cause to believe that
7 DAKOTA JEREMIAH PEVINO (TARGET) has violated Title 18, United States Code, Sections
8 2251(a) and (e), Sexual Exploitation of a Child. The statements contained in this Affidavit are based
9 in part on: information provided by other law enforcement agents; written reports about this and
10 other investigations that I have received, directly or indirectly, from other law enforcement agents;
11 investigation I have participated in; and my experience, training and background as an Agent with
12 the FBI. Because this Affidavit is being submitted for the limited purpose of securing an arrest
13 warrant for PEVINO, I have not included each and every fact known to me concerning this
14 investigation. Instead, I have set forth only the facts that I believe are necessary to establish the
15 necessary foundation and probable cause for the requested arrest warrant. This investigation pertains
16 to child exploitation crimes and is ongoing and evolving. My understanding of the facts and
17 circumstances presented within this affidavit may change over time, especially when considered in
18 light of other evidence gathered during the investigation.

19
20 **PROBABLE CAUSE**

21 **A. Background Information on Grindr & Telegram**

22 1. This section summarizes my understanding of two applications involved in this
23 investigation.

24 2. Grindr is a location-based social networking dating application marketed to Lesbian,
25 Gay, Bisexual, Transgender & Queer + (LGBTQ) persons used to communicate and meet others. The
26 Grindr application allows members to create a personal profile and use their Global Positioning System
27 (GPS) position to place them on a cascade, where they can browse other profiles sorted by distance and
28 be viewed by faraway, nearby and precisely; members depending on one's filter settings. This GPS

feature is transparent to the user. When setting up a Grindr account, the user must verify their account by entering their cellphone number and enter the verification code sent to the cellphone. Selecting a profile photo in the grid view will display that member's full profile and photos, as well as the option to chat, send a "tap," send pictures, video call, and share one's precise location. Grindr users are able to communicate with each other via online chat and messaging services which are native to the application. User can set messages to be deleted and there is no way for a user to search for someone by their username. Grindr uses can pay for XTRA additional features such as view up to 600 profiles in the Grid, read receipts, 5 expiring photos per day, etc.

3. Telegram is a cloud-based mobile and desktop messaging application with a focus on security. A user can use Telegram on multiple devices at the same time while the user's messages sync across any number of the user's devices. Telegram claims to protect a user's data, they store cloud chat data in multiple data centers around the globe controlled by different jurisdictions. A Telegram user can send messages, photos, videos with end-to-end encryption with no trace on their servers. All chats and group chats are private amongst their users and a user can delete chats on both ends (sent and received). A user can set a timer to self-destruct in Secret Chats.

4. As a result, individuals who use Grindr and Telegram for child pornography trading are going to great lengths to avoid detection from law enforcement. In that regard, the Grindr and Telegram child pornography trafficker could be considered sophisticated.

B. Original Undercover Investigation and Arrest of SUB in Fresno

5. Around May 11, 2023, an FBI Online Covert Employee (OCE) began communicating with a child exploitation subject ("SUB") on Grindr. The two participants then moved their conversation to Telegram, where conversations continued, often daily. The OCE posed as an adult male offering his 12-year-old neighbor boy for unlawful sexual encounters. The SUB said he wanted to "kiss him, swap head, fuck him." From September 11, 2023 to September 22, 2023, multiple contacts between the OCE and the SUB were made on Telegram. The SUB made arrangements to drive from where he resided in the Bay Area (CA) to Fresno (CA) after stating his desire to commit several different sex acts with the purported 12-year-old child as the OCE watched. The SUB planned to meet the OCE at a particular Starbucks coffee shop in Fresno, then go to the OCE's residence where the child would be waiting.

6. On September 22, 2023, the SUB arrived at the pre-arranged Starbucks in Fresno, CA and was later identified by name¹. He was arrested for violating California Penal Code (CPC) 288.4 (Arranging to Meet a Minor for Sexual Purposes) and was subsequently Mirandized and interviewed by an FBI Special Agent and a Fresno County Sheriff's Detective. The SUB claimed he was meeting with a guy at the Starbucks who was supposedly molesting a 12-year-old boy and wanted to share him. The SUB claimed he was not going to have sex with the 12-year-old boy, but instead call the police. The interviewers did not believe him about not intending to have sex with a child, and the SUB admitted he has never made any reports of this nature to law enforcement. The SUB did not want to provide his phone password because he did not want law enforcement to have his private information, even after the FBI Agent told the SUB that a search warrant would be authored for his cellphone.

7. Towards the end of the interview, the SUB asked how he could "help." The interviewers asked the SUB if he knew of anyone else victimizing a child. The SUB said there was someone, but he did not have concrete proof because it was deleted. SUB said that the possible suspect, the TARGET in this arrest warrant affidavit. SUB provided multiple specific details² about TARGET, and said that TARGET sexually victimized a young child (Minor Victim 1) and kids in the neighborhood that he lived in. The SUB said that TARGET sent photos of himself and Minor Victim 1 on Grindr, but that the messages are not on SUB's phone anymore since they are deleted after a certain period of time.

8. The SUB said he could show photos of the TARGET because he still had the Grindr account on his phone. The SUB was given his cellphone and showed the agent the profile images associated with the TARGET's account.

9. When the interviewing agent asked the SUB what kind of videos were being sent to the SUB by the TARGET, the SUB said they were videos of a young child who was being sexually molested where "pretty much everything" was being done to the child; anal [rape], oral [rape] by the

¹ I am aware of SUB's full name and date of birth, but am not including it in this affidavit to protect the confidentiality of this investigation at an early stage. SUB's prior criminal history was very minor, involving a DUI arrest. In my experience, it is not unusual for people who sexually exploit or abuse children to lack a serious criminal history, in part, because studies have shown that historically, such sexual crimes against children are very under-reported to law enforcement.

² I am aware of the specific details that SUB provided about TARGET, but am not including them in this affidavit, which I anticipate will be unsealed after TARGET's arrest.

TARGET and by other people as well. The SUB provided additional details about Minor Victim 1³. The SUB believed the TARGET was a stay-at-home dad or husband. The SUB said he guessed they live in a house because of the photos that the TARGET sent the SUB. The SUB said he never met up with the TARGET because he was always nervous, sketched out, freaked out and never wanted to be a part of that.

10. The SUB sat for a moment and then remembered the TARGET gave the SUB his Telegram account. The SUB was handed his phone again, while the agent stood by and the SUB showed the TARGET's Telegram account "*DungeonDaddy@Dungeondad*"⁴ where there were no messages because the SUB said they were set to a self-destruct timer. The SUB said the TARGET stopped messaging the SUB, when the SUB said he didn't want to do anything. The SUB believed the TARGET was looking for people who had kids.

11. Law enforcement matched the three Grindr images from the TARGET's Grindr profile visible on SUB's phone to visually similar images recovered in an open-source repository. The images matched to a public Instagram profile, profile name "*Dakota Jeremiah PEVINO*." A query in Accurant was conducted for the name "Dakota Pevino" which returned to "Dakota J. Pevino, Date of Birth in 1988, living at a particular address in Sacramento CA.

C. Short Summary of Additional Investigation

12. On or about September 22, 2023, I received an investigative lead from FBI Fresno with a possible suspect of Dakota Jeremiah Pevino⁵.

13. I was given access to review a Sacramento Sheriff's Office report from 2016 and

³ I am aware of Minor Victim 1's full name and date of birth, but am not including it in this affidavit to protect the confidentiality of this investigation at an early stage and the identity of a minor.

⁴ In my training and experience investigating sexual crimes against children, sometimes adult men who sexually abuse children want to be referred to as Daddy by their victims. The fact that TARGET's Telegram account referred to himself as DungeonDaddy could be a reference to BDSM, a variety of erotic/sexual practices or roleplaying involving bondage, discipline, dominance and submission, sadomasochism, etc. DungeonDaddy could also be a reference to Dungeons and Dragons, a game that TARGET enjoys playing, a fact the law enforcement team learned while executing a residential search warrant on October 20, 2023.

⁵ It appears that Pevino is the last name Dakota used after getting married.

1 observed a statement where Dakota stated he was a “stay-at-home” dad. I also read an article at
2 [https://realweddingsmag.com/sacramento-wedding-inspiration-rat-pack-revisited-styled-shoot-blog-](https://realweddingsmag.com/sacramento-wedding-inspiration-rat-pack-revisited-styled-shoot-blog-series-get-to-know-dakota-chris/)
3 [series-get-to-know-dakota-chris/](https://realweddingsmag.com/sacramento-wedding-inspiration-rat-pack-revisited-styled-shoot-blog-series-get-to-know-dakota-chris/) where, in response to a question about what he does for a living,
4 Dakota PEVINO said, “I stay at home . . . And now that we’re adopting, I’ll be pulling a lot over
5 “overtime” and “all-nighters.”

6 14. On September 28, 2023, a return from Employment Education and Development (EDD)
7 for Dakota PEVINO showed no current employment history.

8 15. On or around October 2, 2023, a Fresno FBI agent advised me that the search warrant for
9 the SUB’s cellphone was signed, and a data extraction was conducted of the SUB’s cellphone. Upon
10 review, the Fresno FBI agent located an image on the SUB’s cellphone of what appears to be Dakota
11 PEVINO seen in what could be a walk-in closet, a clothes rack in the background, seen from the waist
12 up, shirtless.

13 **D. Surveillance at PEVINO’s Residence**

14 16. On October 6, 2023, FBI Task Force Officer (TFO) Christie Hirota saw what appeared to
15 be Minor Victim 1 depart PEVINO’s residence, get into a car that had been parked in front of the
16 residence with an adult male that could have been PEVINO, go to a store nearby, then return. Other
17 surveillance in October indicated that Minor Victim 1 was seen in connection with PEVINO’s residence.

18 17. Law enforcement was able to corroborate other information provided by the SUB about
19 PEVINO, and on that basis obtained a federal search warrant for PEVINO’s home.

20 **E. Execution of Residential Search Warrant**

21 18. On October 20, 2023, law enforcement executed a federal search warrant at DAKOTA
22 JEREMIAH PEVINO’s home. An interview of DAKOTA PEVINO revealed he was the only one to
23 have access to his phones. The other adult in the residence did not have DAKOTA PEVINO’s password
24 and did not access DAKOTA PEVINO’s phones. In total, the law enforcement team seized three phones
25 used by DAKOTA PEVINO:

- 26 a) Black Motorola Moto G 5G, IMEI 1: 3562434908444459, IMEI 2:
27 356243490844467
28

b) Black Samsung, cracked screen, IMEI: 350603976178795

c) Black Samsung with shattered screen⁶, IMEI: 355819211275643

F. Preliminary Forensic Results

19. On the Moto 5 phone, PEVINO's most recent phone, which TFO Hirota has just begun to review, there was a visible Telegram conversation between PEVINO, using the *DungeonDaddy* profile and associated PEVINO's cell phone number, and another person. In that Telegram conversation, in June and July of 2023, PEVINO sent the other person multiple videos depicting an adult male's penis digitally penetrating (raping) what appears to be a pre-pubescent child's anus or vagina. I have reviewed those videos, and believe these depict a minor being used in sexually explicit conduct (actual and/or simulated), as defined in 18 U.S.C. § 2256(2).

a) On June 6, 2023, at 2:46 AM, PEVINO's Telegram conversation with the other user showed this Notification: "You disabled the auto-delete timer." PEVINO sent a 5 second video: what appears to be a prepubescent child seen from the waist and buttock only, laying on their stomach. There is a dark erect adult penis appearing to be anally penetrating/ raping the child's anus. There is a hand holding the child's left buttock cheek as he penetrates the child. Text beneath the video that PEVINO sent: "Just us, of course."

b) On June 25, 2023, at 9:55PM, PEVINO wrote: "Twinks been at camp. Cones back soon though."

c) July 14, 2023, at 1:39 AM, PEVINO sent a 19 second video: A child's buttocks is seen from the backside with pink and brown polka dot underpants pulled down⁷. An adult erect penis appears to be penetrating the child's anus. Text beneath: "Lemme just remind you what you're missing over here."

⁶ This screen appeared to have been shattered utilizing a hammer, a corner of a piece of furniture, or something similar. There were screen pieces still falling from the face of the phone upon finding the phone during the execution of the search warrant. The frame of the phone was also bent in, whereas the phone cannot lay flat and is curved upward. For agent safety, the team did not force entry and waited more than 5 minutes after knocking and announcing our presence for the first occupant of the residence to come outside, allowing time for PEVINO to likely shatter his phone.

⁷ Even if this is a silicone replica of a small child's buttocks and anus, the video of an adult male penis digitally penetrating the anus constitutes simulated sexual intercourse.

d) Other User at 9:28 AM: “Aww well I love cuddles so I would have been in heaven!” . . .

e) Other User at 9:32 AM: “And that is a very big black pedo cock in a tiny whole.”

f) PEVINO at 9:45 AM: “[] does like black guys.”

g) PEVINO then sent a video of an adult erect penis penetrating a small torso’s (appears to be a prepubescent child)’s anus.

h) Other User at 9:52 AM “Black pedo dicks are the hottest.”

i) PEVINO then sent a video of an adult erect penis penetrating a small torso’s anus

20. On this phone was the same image of shirtless PEVINO apparently standing in a closet that SUB had in his phone (that was not found in any publicly accessible websites for PEVINO). Also on this phone were other attribution items showing that PEVINO was the user of this phone.

21. Multiple images of Child Sexual Abuse Material (CSAM) were found on the Samsung IMEI ending in 8795, which was PEVINO’s prior cell phone, replaced by the Moto 5 phone a few weeks before we executed the search warrant. Indicia of PEVINO were found on the phone, including multiple selfies. Clothed images of Minor Victim 1 and PEVINO were also found in this phone.

G. Sexual Exploitation of a Child, in Violation of 18 U.S.C. 2251(a) and (e)

22. On the Samsung phone with IMEI ending in 8795, file name “f32899216042c8d20ac818919ba7d9f33a6a8fd01a8ec5e60cf146d5d5c5747f.o”, file path “R9PR70EY48B_files_full.zip/data/data/com.google.android.googlequicksearchbox/cache/image_manager_disk_cache/f32899216042c8d20ac818919ba7d9f33a6a8fd01a8ec5e60cf146d5d5c5747f.0”, is a color image⁸ of a prepubescent child, with the child’s back to the camera, with the child’s torso lying on a bed, the child’s knees on a grey cushioned bench at the foot of a bed, with a shirt on but exposing the child’s lower back, shorts pulled down to the child’s ankles, no underwear covering the child’s rear end, exposing the child’s anus. The focus of the photo is the anus of the prepubescent child, and the pose is unnatural. The photo also has an adult male’s erect penis in the foreground of the photo, pointing the adult male’s erect penis toward the child’s naked anus, with hairy legs and the adult male’s toes

8. Upon request of the Magistrate Judge reviewing this affidavit, I will make this image available for the Judge’s review. *See United States v. Perkins*, 830 F.3d 1109 (9th Cir. 2017).

1 showing. The photo appears to be taken from the perspective of the adult male whose erect penis is
2 pointed at the young child's naked rear end. The carpet can be seen beneath the adult's toes which
3 shows a unique gray pattern with various shades of gray. The bench appears to be partially covered by a
4 seafoam blue/green quilt, I believe the child shown in this photo is Minor Victim 1, and I believe this
5 photo was taken in PEVINO's master bedroom in his house. The "modified" and "accessed" date
6 associated with this file is July 4, 2022. Minor Victim #1 has not disclosed any sexual abuse perpetrated
7 by Dakota PEVINO.

8 a) In a different photo in PEVINO's phone, "modified" and "accessed" date
9 September 25, 2022, there is what appears to be the same grey bench at the foot of the bed in the
10 master/bedroom of PEVINO's house with PEVINO's now deceased dog sitting on the same grey
11 bench.

12 b) In the search warrant photos of the master bedroom in TARGET's house, there is
13 what appears to be the same grey patterned rug with various shades of gray, and the same grey
14 bench at the foot of the bed, and the seafoam blue/green quilt, on the ground slightly under the
15 bed.

16 **H. Additional Evidence**

17 23. On the Samsung phone with IMEI ending in 8795, file name "-
18 6827581396491413736.0", file path
19 "R9PR70EY48B_files_full.zip/data/data/com.sec.android.gallery3d/cache/14/-
20 6827581396491413736.0", is a color image of a prepubescent child with a white t-shirt on, looking at
21 the camera, sitting on a bed with a white wall and polka dot wall décor in the background.

22 a) Based upon further information obtained during the investigation, I believe this
23 photo depicts Minor Victim 1, and was taken in a room in PEVINO's house.

24 24. On the Samsung phone with IMEI ending in 8795, file name "-
25 8233375528507785723.0", file path
26 "R9PR70EY48B_files_full.zip/data/data/com.sec.android.gallery3d/cache/16/-
27
28

8233375528507785723.0”, is a color image⁹ of a prepubescent child with a white t-shirt on, back to the camera, on all fours on the bed, pants and underwear pulled down, with the focus of the image of the prepubescent child’s uncovered anus. The image appears to be on the same bed as the image described in the previous paragraph; the bedding and wallpaper are the same as well. Although the child’s face is not visible in this photo, the image appears to match the likeness of Minor Victim 1, especially because it appears to be taken near the same time as the image described in the previous paragraph. The “modified” and “accessed” date of this photo was November 16, 2002.

25. A forensic review of the multiple seized electronic devices from PEVINO’s has not yet been completed.

26. During the interview while the law enforcement team was searching PEVINO’s residence, he admitted to using an application with a paper airplane, known as Telegram. PEVINO admitted to using the phone number that was connected to the Telegram account. PEVINO also said he used the Grindr app and his username was the same one reported to us. When PEVINO was asked if he had engaged in sex acts with Minor Victim 1, PEVINO repeated the question and said no. When asked if there was going to be a video of Minor Victim 1 giving him a blowjob, PEVINO shrugged his shoulders, put two palms up, then up to his temple and paused and said, in summary, this is so overwhelming.

CONCLUSION

27. Based on the foregoing, there is probable cause to believe that DAKOTA JEREMIAH PEVINO has committed the crime of Sexual Exploitation of Children, in violation of 18 U.S.C. § 2251(a).

28. I request that the Court issue an arrest warrant for DAKOTA JEREMIAH PEVINO.

I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

REQUEST FOR SEALING


I respectfully request that this Court issue an order sealing, until further order of the Court, the Complaint, Complaint affidavit, and Arrest Warrant. I believe that sealing these documents is

⁹ Upon request of the Magistrate Judge reviewing this affidavit, I will make this image available for the Judge’s review. *See United States v. Perkins*, 830 F.3d 1109 (9th Cir. 2017).

1 necessary to prevent potential destruction of evidence and enable a safe arrest. Premature disclosure
2 of the contents of this affidavit and related documents may have a negative impact on the
3 investigation.

4 /s/ Christopher Gecewicz
5 _____
6 Special Agent Christopher Gecewicz
7 Federal Bureau of Investigation

8 Subscribed and sworn to before me on: 10/26/23 by telephone pursuant to Fed. R. Crim. P.
9 41(d)(3).

10 
11 _____
12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE

14
15 APPROVED AS TO FORM BY:

16 /s/ Christina McCall
17 _____
18 CHRISTINA McCALL
19 ASSISTANT UNITED STATES ATTORNEY
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